IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 4204 of 2002
Date of decision: January 15,2007

Pritam Kaur V. Kaka Singh and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Gourav Chopra,Advocate, for the appellant.
Shri T.P.S.Tung,Advocate, for respondents No.1,3 and 4.

Viney Mittal,J.(Oral)

The plaintiff has lost concurrently before the two courts below. She is in second appeal.

The plaintiff had filed a suit for declaration claiming that she was entitled to 1/3 share in the suit property left behind by Sunder Singh. The aforesaid claim was made by the plaintiff on the basis of will dated June 26,1995 whereby it was indicated that Sunder Singh had left behind 1/3 share in favour of the plaintiff. Sunder Singh had died on June 30,1995 at the age of 95 years.

Both the courts below have found it as a fact on the basis of the evidence produced by the plaintiff herself that the Will in question relied upon by the plaintiff was not shown to be free from suspicious circumstances and was not shown to be a will ever executed by Sunder Singh. However, Will Ex.D1 dated May 1,1971 in favour of defendants No.1 and 2 has been upheld.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 15,2007 (Viney Mittal)
sks Judge